

WATER COUNCIL MEETING

NH Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

December 12, 2018
9:00 a.m.

Members present: Councilors: Beaurivage, Boisvert, Butler, Gegas, Geisser, Hardy, Joubert, O'Brien, Rawnsley, Spaulding, and Tremblay

Members absent: Chairman Gilbert, Councilors Clark and Henderson

Also present were Carolyn Guerdet, Council Clerk and Paula Scott, Appeals Clerk

Vice Chairman Beaurivage called the meeting to order at 9:00 a.m.

1. Approval of Minutes of the October 10, 2018 Meeting

- ***Councilor Tremblay made a motion to accept the October 10, 2018 minutes, second by Councilor Boisvert. Motion passed unanimously with Councilors Joubert, Hardy and Gegas abstaining.***

2. Status of Appeals

I. New Appeals

II. Decision and Orders that need to be written finalized and issued.

III. Hearings or PHCs Pending

Docket No. 17-06 WC – Town of Hampton, NH, North Hampton Water Commission and Town of North Hampton Appeal

Subject: 03/29/17 Administrative Order No. 17-006 WD issued to Wiggin Way home Owners Association AND Aquarion Water Company of NH, Inc.

Hearing Officer: David Conley, Esq., assigned on 5/17/17

Recused member: Councilor Boisvert

Status: April 28, 2017 received Notice of Appeal. May 1, 2017 issued receipt of Appeal letter.

Council accepted the appeal at the May 10, 2017 meeting. 5/11/17 issued Appeal accepted letter.

5/16/17 received Assented-To Motion to Consolidate (Docket No. 17-06 WC and Docket No. 17-07

WC). 5/17/17 received Appearance from Atty. Marcia Brown. 5/18/17 received Motion to

Intervene. 5/25/17 issued ruling Granting Motion to Consolidate and Motion to Intervene

December 15, 2017 received State's Motion to Dismiss. January 29, 2018 received Town of North

Hampton and North Hampton Water Commission Withdrawal of Appeal. 1/31/18 received

Withdrawal of Attorney Stephen Bennett and North Hampton Water Commission's Motion to

Reinstate Appeal. February 9, 2018 issued letter granting Motion to Reinstate Appeal regarding

North Hampton Water Commission. 2/9/18 received Town of Hampton's Objection to State's

Motion to Dismiss. 2/14/18 received Wiggin Way/ Winterberry Home Owners Association's

Joinder to State's Motion to Dismiss and received Appearance for Atty. Timothy Harned for the N.

Hampton Water Commission and their Objection to State's Motion to Dismiss. 2/28/18 received

State's Reply to Town of Hampton's Objection to State's Motion to Dismiss. March 5, 2018

received Surreply in Support of Objection to State's Motion to Dismiss. May 23, 2018 issued

Decision and Order denying State's Motion to Dismiss. June 18, 2018 issued Assented to Motion

to Postpone 2nd Pre-hearing Conference. July 19, 2018 received Town of Hampton's Assented to Motion to Postpone 2nd Prehearing Conference. 7/19/18 issued letter granting Town of Hampton's Assented To Motion and rescheduling the 2nd Pre-hearing Conference for August 30, 2018 at 9 a.m. in room 110. 7/30/18 received Appearance of Stephen Bennett for North Hampton Water Commission. 8/23/218 received Assented to Motion to Postpone Pre-hearing Conference. 8/24/18 received Withdrawal of Stephen Bennett. 8/27/18 issued letter granting Assented to Motion to Postpone Pre-hearing Conference until September 5, 2018 at 2 p.m. 9/5/18 issued 2nd Pre-hearing Order scheduling a 3rd Pre-hearing Conference for January 22, 2019 at 2 p.m. Hearing is scheduled for April 10, 2019 at 9 a.m.

Docket No. 18-09 WC Rae-Ann Melacon and Suzanne Fournier Appeal

Re: June 18, 2018 approval of Alteration of Terrain Permit No. AoT-1437 issued to Leighton A. White, Inc.

Hearing Officer: David Conley, Esq., assigned on 9/17/18

Recusals: Councilor Henderson

Status: July 5, 2018 received Notice of Appeal. 7/16/18 issued receipt of Appeal letter. 7/20/18 received Appearance of Biron Bedard and Motion to Intervene. 7/24/18 received Appearance of Christopher Aslin for the department. Council accepted Appeal September 12, 2018. 9/13/18 issued Appeal accepted letter. 9/20/18 issued Notice of Pre-hearing Conference scheduled for October 22, 2018 at 1 p.m. 9/20/18 received Appearance of Attorneys Michael Schowalter and Richard Head for the Appellants. October 2, 2018 received Assented to Motion to Continue Pre-hearing Conference. 10/4/18 issued letter granting Motion to Continue PHC and rescheduling it for November 7th at 9 a.m. November 7, 2018 issued Pre-hearing Order scheduling hearing for May 8, 2019 at 9 a.m.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

Docket No. 18-04 WC – Town of Hampton, NH Appeal

Re: 1/17/18 Administrative Order No. 18-001 WD

Hearing Officer: David Conley, Esq., assigned on 4/10/18

Status: February 16, 2018 received Notice of Appeal. 2/21/18 issued receipt of Appeal letter. March 7, 2018 received Appearance from Atty. Maloney. Council accepted appeal on March 14, 2018. April 5, 2018 issued Appeal accepted letter. 4/13/18 issued Pre-hearing Conference notice for May 21, 2018 at 10 a.m. May 21, 2018 received agreement to Hold in Abeyance and issued Pre-hearing Order. September 17, 2018 received Status Report.

3. New Business

Tracie Sales, Rivers and Lakes Program Manager

Tracie gave an overview of the Rivers and Lakes Management Protection Program. In the mid-1980s, as there were multiple demands on rivers, this was established for their protection. There are now 19 designated rivers in the state. 1,010 miles of rivers are designated. It is a grassroots program that begins with a nomination from a local committee that wants to protect that river. The process takes a minimum of 2 years. It has similar goals to the Federal Wild and Scenic Rivers Program.

Questions and comments from the Councilors were then addressed.

The Council then asked to have a presentation on the updates to the Wetlands Rules being put through at this time.

4. Old Business

Next month the Council would like an update on the filling of the Water Division Director position.

5. Next Meeting

January 9, 2019 at 9 a.m. with Commissioner Scott attending and a presentation regarding the Wetlands Rules.

6. Adjournment

- ***Councilor Butler made a motion to adjourn, second by Councilor Rawnsley. Motion passed unanimously.***

Meeting was adjourned at 9:52 a.m.